

Joseph Wuest

Title: “Slavery, the Supreme Court, and the Second Party System”

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Joseph Wuest will be graduating *with highest distinction* in May with degrees from the Department of Political Science and the Department of History. During this past year, he was awarded the Sharon Alt Piepenbrink Award for his paper on “The Limits of the Enlightenment: Juan Bautista Alberdi’s Historicism and the Argentinean Constitution of 1853” as well as the European Union Center College Research Paper second place prize for his research on Romania’s accession to the European Union. Joseph will begin a Ph.D. program in political science at the University of Pennsylvania this fall where he will be studying the role of the courts and church-state relations in the context of American political development.

Abstract

This research employs American political development scholars Stephen Skowronek and Karen Orren’s theory of *intercurrence* to examine the ways in which developments in the Second Party System affected the Supreme Court’s jurisprudence concerning slavery. In their concurrent developments, the Second Party System and the Supreme Court were both forced to reckon with political actors and social movements that inhibited their abilities to create policies and judgments that would be accepted by abolitionists and proponents of slavery alike. By observing earlier congressional deferrals to the courts along with the manner in which the major parties staffed the courts, the Supreme Court’s decisions in cases such as *Groves v. Slaughter* and *Prigg v. Pennsylvania* are best understood as attempts by the Court to assuage both the North and the South. Despite the Court’s balancing efforts, the John Tyler administration’s annexation of Texas inflamed tensions between increasingly mobilized abolitionists in the North and more uncompromising slave owners in the South to the point that balanced decisions could no longer be reached. The further failure of the Democrats and the Whigs to pass anything but weak compromises in the post-annexation era led the Court to perceive only one option: uphold the constitutional compromise that protected slavery. Armed with the jurisdiction to decide appeals on slavery issues in the territories—a jurisdiction granted by Congress—the Supreme Court decided in favor of slave owners in cases such as *Jones v. Van Zandt*, *Strader v. Graham*, and finally, *Dredd Scott*. By applying this theory of *intercurrence*, the trend of the Supreme Court to increasingly protect the institution of slavery comes to appear less the result of a proslavery majority voting on their own predilections and more of a Court that understood its role in protecting the Union and Constitution by upholding the constitutional compromise that allowed for slavery within the Union.

Bibliographical Note

As this research concerns itself primarily with the U.S. Supreme Court, much of the analysis comes from a reading of the slavery cases the Court in the antebellum period. These cases include most notably the Court’s decisions in *Prigg v. Pennsylvania*, *Strader v. Graham*, *Jones*

v. Van Zandt, and *Dred Scott v. Sandford*. This research also contains an analysis of various presidential and congressional speeches such as President Martin Van Buren's inaugural address as well as several speeches given in Congress during the gag rule debates over whether or not the Congress would accept petitions concerning the state of slavery in the Union. These documents along with some of the relevant slavery statutes of the era were used to determine the role that various influential leaders of the Second Party System played in how many slavery issues were ultimately deferred to the judgment of the Court. Along with these primary sources, this research was informed by a vast collection of secondary literature in the field of American political development. The works of political scientists and scholars of the antebellum republic such as Mark Graber, Stephen Skowronek, Robert Lieberman, and Stephen Engle provided much of the theoretical basis for this paper.